

MINUTES
IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

HON. CHARLES S. COODY, MAG JUDGE AT Montgomery, Alabama

DATE COMMENCED: 12/ 1/ 06 AT 9:22 a.m. - 9:25 a.m.

DATE COMPLETED: 12/ 1/ 06 TO Digital Recorded

UNITED STATES OF AMERICA

VS.

ROSA RINCON

Defendant

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CASE NO. 2:06CR-200-WHA

GOVERNMENT

APPEARANCES:

DEFENDANT

Atty. Christopher Snyder

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Atty. Jay Lewis

COURT OFFICIALS PRESENT:

Court Room Deputy: Wanda Stinson

Law Clerk: Corrie Long

Court Reporter: Risa Entrekin

Interpreter: Beverly Childress

() NON-JURY TRIAL

(X) OTHER PROCEEDINGS: ORAL ARGUMENT RE: MOTION TO DISMISS

9:22 a.m.

Court convenes; parties present as noted;

AUSA Snyder addresses the court re; research on the statute; Discovered that there was a Dept of Justice memorandum issued in 1978 that states that it's the opinion of the office of legal counsel that this statute is unconstitutional unless brought in the district the offense occurred because it violates the venue clause; It's still the policy of the Dept. of Justice; Pursuant to that policy, Govt. will be dismissing count 2;

Court response - it's a trial defense;

Atty. Snyder - will file something with the court dismissing that charge;

Atty. Lewis addresses the court as to whether statute of limitations must be waived;

Court response ;

9.25 a.m.

Court is recessed.